

*Translated from French*

**Information on the status of implementation of bilateral, regional and multilateral agreements relating to international terrorism ratified by Madagascar, including measures taken to eliminate international terrorism**

Although no terrorist act has been recorded in Madagascar to date, every country feels the effects of the significant material damage and, above all, the loss of thousands of lives around the world as a result of international terrorism. Like all other countries, Madagascar is not immune to such criminal acts, which is why it has joined the international community “in condemning this display of barbarism worthy of a bygone era”.

“Terrorism must be combated in accordance with international law and, more specifically, under the aegis of the United Nations, which recognizes the authority of regional defence mechanisms.”

Madagascar has implemented Security Council resolution 1373 (2001) and other relevant United Nations counter-terrorism resolutions, including Security Council resolution 1267 (1999). These resolutions, adopted under Chapter VII of the Charter of the United Nations, are binding and thus have a binding force on all States Members of the United Nations. They essentially recommend that Member States criminalize terrorist incidents and acts in their national legislation.

To tackle such scourges that undermine the values of civilization and humanity, Madagascar has ratified a number of international and regional legal counter-terrorism instruments, including:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963);
- Convention for the Suppression of Unlawful Seizure of Aircraft (1970);
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971);
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973);
- International Convention against the Taking of Hostages (1979);
- Convention on the Physical Protection of Nuclear Material (1979);
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention of 23 September 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988);

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988);
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991);
- International Convention for the Suppression of Terrorist Bombings (1997);
- International Convention for the Suppression of the Financing of Terrorism (New York, 1999);
- International Convention for the Suppression of Acts of Nuclear Terrorism;
- United Nations Convention against Transnational Organized Crime, known as the Palermo Convention (15 November 2000), and its three additional protocols, namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition;
- Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism, in 2003;
- Protocol to the OAU Convention on the Prevention and Combating of Terrorism.

In August 2016, a high-level awareness and consultation workshop on the importance of combating money-laundering and the financing of terrorism was organized by the Common Market for Eastern and Southern Africa in collaboration with the Ministry of Justice, the Ministry of Commerce and the Ministry of Economy. During the same period, Madagascar ratified the Convention on Extradition and Mutual Legal Assistance in Counter-terrorism, known as the Rabat Convention.

Madagascar is constantly developing bilateral cooperation agreements on criminal matters, including mutual legal assistance and extradition agreements with other countries. Act No. 2017-027 of 29 January 2018 on international cooperation in criminal matters is also in force.

In addition, Madagascar has developed a legal arsenal to combat terrorist acts, methods and practices and transnational organized crime in order to protect itself against and repress these phenomena and to benefit from international cooperation in this area. The legislation includes:

1. Act No. 2014-005 of 17 July 2014 on combating terrorism and transnational organized crime, which is one of the first instruments adopted with a view to including the international and regional conventions against terrorism and transnational organized crime ratified by Madagascar in domestic legislation, addressing developments in terrorist activities and their transnational nature, and meeting the needs of international cooperation. Under Act No. 2014-005, persons involved in terrorist acts or activities or acts of transnational organized crime can be prosecuted and punished;

2. Act No. 2016-021 of 22 August 2016, which seeks to establish within the Malagasy criminal justice system specialized courts for combating corruption in each provincial capital of Madagascar that are, inter alia, authorized to prosecute, investigate and punish persons who have committed offences punishable under Act No. 2014-005 of 17 July 2014 on combating terrorism and transnational organized crime;

3. Act No. 2018-043 of 13 February 2019 on combating money-laundering and the financing of terrorism, which seeks to define the rules for preventing, detecting and repressing all money-laundering activities, as well as the financing of terrorist acts, whether or not they are linked to money-laundering;

4. Decree No. 2015-050 of 3 February 2015 establishing the national steering structure for combating terrorism and transnational organized crime. The structure is responsible for developing and improving national policy and strategy on the prevention and punishment of terrorism and transnational organized crime and for identifying measures for adoption to enforce the international instruments and recommendations in these areas. In April 2016, it prepared the report of Madagascar on the status of implementation of the counter-terrorism strategy and action plan of the Southern African Development Community. The report referred, inter alia, to the ratification by Madagascar of the international counter-terrorism instruments and conventions, the strengthening of legal and institutional frameworks and international cooperation through the signing, on 14 April 2016, of a memorandum of intent on the establishment of a system of individual checks on persons passing through entry and exit points in Madagascar;

5. Decree No. 2015-1036 of 30 June 2015 repealing Decree No. 2007-510 of 4 June 2007 on the establishment, organization and operation of the financial intelligence unit, known as *Sampandraharaha Malagasy Iadiana amin'ny Famotsiambola sy famatsiam-bola ny fampihorohoroana (SAMIFIN)*. SAMIFIN has national jurisdiction and is responsible, inter alia, for referring potential money-laundering and financing of terrorism offences to the Public Prosecutor's Office.

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**Report on the status and implementation of the agreements relating to international terrorism ratified by Madagascar and on the efforts made to implement General Assembly resolution 50/53 of 29 January 1996, entitled “Measures to eliminate international terrorism”**

**Background**

Terrorism is constantly evolving and continues to represent a global threat. It undermines international peace and security, destroys societies and destabilizes entire regions. It is an affront to the common values enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights. No country, including Madagascar, is immune to this threat. Terrorism is a transnational threat that no Government or organization can combat alone; multilateral and concerted action at the national, regional, subregional and global levels is needed.

Madagascar has implemented Security Council resolution 1373 (2001) and other relevant United Nations resolutions against terrorism, including Security Council resolution 1267 (1999). These resolutions, adopted under Chapter VII of the Charter of the United Nations, are binding and thus have a binding force on all States Members of the United Nations. They essentially recommend that Member States criminalize terrorist incidents and acts in their national legislation.

Initial efforts have been made in this regard. At the international level, Madagascar has ratified many international legal counter-terrorism instruments. At the national level, Act No. 2014-005 of 17 July 2014 on combating terrorism and transnational organized crime, which is described in more detail in the “Legal framework” section below, was adopted, and the national steering structure for combating terrorism and transnational organized crime was established by Decree No. 2015-050 of 3 February 2015.

In July 2015, experts from the Counter-Terrorism Committee Executive Directorate came to Madagascar to conduct a country assessment mission. A seminar was organized for this purpose. This was not the first visit of experts from the Executive Directorate to the island (a mission was previously conducted in 2008). At the end of the mission, the Executive Directorate included additional information and updates in its report. According to the Executive Directorate, Madagascar is one of the countries at risk. To tackle this threat, the Prime Minister at the time, Jean Ravelonarivo, stated that “it is time to take preventive measures not only to ensure the security of the country, but also to prevent the situation from deteriorating, especially since the prevention of terrorism and transnational organized crime underpins national stability”.

In April 2016, the national steering structure for combating terrorism and transnational organized crime prepared the report of Madagascar on the status of implementation of the counter-terrorism strategy and action plan of the Southern African Development Community. The report referred, inter alia, to the ratification by Madagascar of the international counter-terrorism instruments and conventions, the strengthening of legal and institutional frameworks and international cooperation through the signing, on 14 April 2016, of a memorandum of intent on the establishment of a system of individual checks on persons passing through entry and exit points in Madagascar.

In addition, a regional symposium on combating transnational organized crime and maritime piracy was held in Madagascar in April 2016.

In June 2016, Madagascar participated in the international counter-terrorism conference under the aegis of the International Organization of la Francophonie, which was held in Paris under the theme “Combating terrorism and preventing violent radicalization: towards an integrated francophone approach”.

In July 2016, a resolution on international terrorism was adopted in Antananarivo by the Parliamentary Assembly of la Francophonie.

In August 2016, a high-level awareness and consultation workshop on the importance of combating money-laundering and the financing of terrorism was organized by the Common Market for Eastern and Southern Africa in collaboration with the Ministry of Justice, the Ministry of Commerce and the Ministry of Economy. During the same period, Madagascar ratified the Convention on Extradition and Mutual Legal Assistance in Counter-terrorism, known as the Rabat Convention.

In October 2016, during the seventy-first session of the General Assembly, held in New York, Madagascar reaffirmed its strong and unequivocal condemnation of terrorism in all its forms and manifestations and its full commitment to all initiatives to combat international terrorism.

A national assessment of money-laundering and financing of terrorism risks was launched in June 2017. In April 2019, a workshop to validate the results of the assessment was led by the financial intelligence unit, known as Sampandraharaha Malagasy Iadiana amin’ny Famotsiambola sy famatsiam-bola ny fampihorohoroana (SAMIFIN), with the technical support of the World Bank. Conducted pursuant to Financial Action Task Force recommendation 1, the assessment is of major

importance. The results thereof will form the basis for the development of national policies and strategies for combating money-laundering and the financing of terrorism.

### **Legal framework**

To tackle such a scourge that undermines the values of civilization and humanity, Madagascar has ratified more than 10 international conventions and protocols on combating terrorism and transnational organized crime, including:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963);
- Convention for the Suppression of Unlawful Seizure of Aircraft (1970);
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971);
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973);
- International Convention against the Taking of Hostages (1979);
- Convention on the Physical Protection of Nuclear Material (1979);
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention of 23 September 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988);
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988);
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991);
- International Convention for the Suppression of Terrorist Bombings (1997);
- International Convention for the Suppression of the Financing of Terrorism (New York, 1999);
- International Convention for the Suppression of Acts of Nuclear Terrorism;
- United Nations Convention against Transnational Organized Crime, known as the Palermo Convention (15 November 2000), and its three additional protocols, namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the

Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.

At the regional level, Madagascar ratified the Organization of African Unity Convention on the Prevention and Combating of Terrorism and the Protocol thereto and the Convention on Extradition and Mutual Legal Assistance in Counter-terrorism, known as the Rabat Convention.

Madagascar is constantly developing bilateral cooperation agreements on criminal matters, including mutual legal assistance and extradition agreements. Act No. 2017-027 of 29 January 2018 on international cooperation in criminal matters is also in force.

In addition, Madagascar has developed a legal arsenal to combat terrorist acts, methods and practices and transnational organized crime in order to protect itself against and repress these phenomena and to benefit from international cooperation in this area. The legislation includes:

6<sup>1</sup>. Act No. 2014-005 of 17 July 2014 on combating terrorism and transnational organized crime, which is one of the first instruments adopted with a view to including the international conventions against terrorism and transnational organized crime ratified by Madagascar in domestic legislation, addressing developments in terrorist activities and their transnational nature, and meeting the needs of international cooperation. Under Act No. 2014-005, persons involved in terrorist acts or activities or acts of transnational organized crime can be prosecuted and punished;

7. Act No. 2016-021 of 22 August 2016, which seeks to establish within the Malagasy criminal justice system specialized courts for combating corruption in each provincial capital of Madagascar that are, inter alia, authorized to prosecute, investigate and punish persons who have committed offences punishable under Act No. 2014-005 of 17 July 2014 on combating terrorism and transnational organized crime;

8. Act No. 2018-043 of 13 February 2019 on combating money-laundering and the financing of terrorism, which seeks to define the rules for preventing, detecting and repressing all money-laundering activities, as well as the financing of terrorist acts, whether or not they are linked to money-laundering;

9. Decree No. 2015-1036 of 30 June 2015 repealing Decree No. 2007-510 of 4 June 2007 on the establishment, organization and operation of the financial intelligence unit, known as

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<sup>1</sup> *Translator's note:* paragraph numbering as in the original French submission.

Sampanharaha Malagasy Iadiana amin'ny Famotsiambola sy famatsiam-bola ny fampihorohoroana (SAMIFIN). SAMIFIN has national jurisdiction and is responsible, inter alia, for referring potential money-laundering and financing of terrorism offences to the Public Prosecutor's Office.

### **Incidents caused by terrorism, and criminal prosecutions and convictions**

To date, Madagascar has not recorded any cases of terrorist activity. Furthermore, no criminal proceedings relating to terrorist acts have been conducted in the country.

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